

REMARKS

Any fees that may be due in connection with filing this paper or with this application during its entire pendency may be charged to Deposit Account No. 06-1050. If a Petition for extension of time is required, this paper is to be considered such Petition, and any fee charged to Deposit Account No. 06-1050.

An unexecuted copy of DECLARATION 7 under 37 C.F.R. § 1.132 of Stephen Fabijanski was submitted with the Amendment mailed January 31, 2008 in response to the Office Action mailed July 31, 2007. The executed DECLARATION 7 of Fabijanski received by facsimile is attached hereto. Since the picture is in black and white in the facsimile copy of the executed DECLARATION 7, a color copy of DECLARATION 7 also is provided herewith for clarity. The executed DECLARATION 7 is identical to the unexecuted copy, except for paragraph 9, which has been changed to delete reference to two research groups. In the executed Declaration 7, this portion of paragraph 9 at page 2 of the Declaration reads as follows:

...Also, numerous research groups including myself, persons under my direction and other research groups that have collaborated with Agrisoma Biosciences, Inc., including the Eastern Cereal and Oilseeds Research Centre of Agriculture and Agri-Food Canada, one of the federal crop research centers of the Ministry of Canada responsible for Agriculture; the Hungarian Biological Research Center in Hungary; Chromos Molecular Systems, Inc., Burnaby, B.C., Canada; and Agrisoma's research group at the Plant Biotechnology Institute in Saskatoon, Saskatchewan, Canada,...

As discussed in the response, mailed January 31, 2008, the DECLARATION 7 of Fabijanski is provided to evidence the generation of plant SATACs, and their maintenance and stability, using methods as taught in the instant application or known to one of skill in the art at the time of filing the application. The DECLARATION 7 incorporates by reference DECLARATION 5, which detailed construction of plant SATACs in two distinct plant species, *Nicotiana* and *Brassica*. DECLARATION 5 showed that by following the teachings of the application as of its earliest filing date, plant SATACs can be generated and maintained in plant cells. The DECLARATION 7 demonstrates that there is nothing special or different about the generation of SATACs in plants beyond what was described in the application and routine in the art at the time of filing the application. Plant SATACs can be generated with no additional experimentation or guidance required. DECLARATION 7 further

demonstrates that numerous such SATACs have been generated in *Nicotiana* and *Brassica* and by numerous research groups.

Dr. Fabijanski is not an inventor of this application, he is a Ph.D. Since those of skill in the art typically have advanced degrees, Dr. Fabijanski, who has a Ph.D. degree, is representative of a person of skill in this art with respect to performing experiments in accord with a disclosed protocol. It is noted that he is an employee of Agrisoma, a company in which Chromos, a former joint owner of this application, has an ownership interest, and which is a licensee of the instant application. In performing or directing the experiments in DECLARATION 7, Dr. Fabijanski followed the teachings in the application.

As set forth in the DECLARATION 7, no knowledge of the plant centromere sequence is required. As taught in the above-captioned application, the plant SATACs described in DECLARATION 5 were generated following amplification and the generation of a *de novo* centromere. By virtue of the method, the resulting SATACs contained a functional centromere as evidenced by the stability of SATACs and the maintenance of the SATACs across generations. DECLARATION 7 further evidences the stability by data showing that the SATACs generated in *Brassica napus*, upon transmission in regenerated plant, exhibit a segregation pattern at a predicted Mendelian frequency. The results of these analyses demonstrate that the methods described in the above-referenced application can be used to generate, identify and maintain plant SATACs in plant cells.

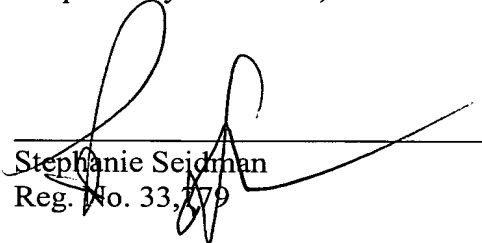
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Applicant : Gyula Hadlaczky, *et al.*
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Supplemental Response

Attorney Docket No.: 23048-004006/402E

In view of the above amendments and remarks, reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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Attorney Docket No. 23048-004006 / 402E

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